

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

CAROLE RUIKKA,

Plaintiff,

v.

MICHAEL J. ASTRUE,
Commissioner of Social
Security,

Defendant.

No. CV-10-3061-CI

ORDER GRANTING STIPULATED
MOTION TO REMAND PURSUANT TO
SENTENCE FOUR OF 42 U.S.C.
405(g)

BEFORE THE COURT is the parties' stipulated Motion to Remand of the above-captioned matter to the Commissioner for additional administrative proceedings. (Ct. Rec. 21.) Attorney D. James Tree represents Plaintiff Carole Ruikka; Special Assistant United States Attorney Daphne Banay represents Defendant. The parties have consented to proceed before a magistrate judge. (Ct. Rec. 5.) After considering the stipulation of the parties,

IT IS ORDERED:

1. The parties' stipulated Motion to Remand (Ct. Rec. 21) is **GRANTED**. The above-captioned case is **REVERSED** and **REMANDED** to the Commissioner of Social Security for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g), including, but not limited to, the following: the administrative law

1 judge (ALJ) shall further evaluate Plaintiff's obesity; Dr.
2 Kellogg's medical opinion (Tr. 439); Plaintiff's subjective
3 complaints; and the lay witness opinions/statements of Michael
4 Ruikka (Tr. 154-159). The ALJ shall further evaluate Plaintiff's
5 residual functional capacity (RFC) and make new RFC findings.

6 2. Judgment shall be entered for the **PLAINTIFF**.

7 3. Plaintiff's Motion for Summary Judgment (**Ct. Rec. 16**) is
8 stricken as moot.

9 4. An application for attorney fees may be filed by separate
10 motion.

11 The District Court Executive is directed to enter this Order,
12 forward copies to counsel, and thereafter shall close this file.

13 DATED May 19, 2011.

14
15 S/ CYNTHIA IMBROGNO
UNITED STATES MAGISTRATE JUDGE